

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

WASHINGTON INTERNATIONAL  
INSURANCE COMPANY,

Plaintiff,

v.

ARTEK BUILDERS, INC.,

Defendant

CIVIL ACTION NO. 05-CV-10437-GAO

**SECOND JOINT MOTION TO EXTEND THE SCHEDULING ORDER REGARDING  
SUMMARY JUDGMENT, PRE-TRIAL MOTIONS AND PRE-TRIAL CONFERENCE**

The Plaintiff, Washington International Insurance Company (“WIIC”), the Defendant, Artek Builders, Inc.’s (“Artek”), and the Third-Party Defendant, J.S. Luiz, 3<sup>rd</sup>, Inc. (“J.S. Luiz”), move this Honorable Court to extend the Scheduling Order deadlines currently requiring Motions for Summary Judgment to be served and filed by January 9, 2006, and all pre-trial motions to be served and filed no later than January 16, 2006, for a period of fourteen (14) days. In addition, the parties hereby request that this Court continue the Pre-Trial Conference, presently scheduled for January 17, 2006, for a date following the Court’s ruling on all outstanding motions in this case, including Rule 56 motions, or to a date selected by the Court. In support of their Motion, the parties state as follows:

1. WIIC’s principal and Third-Party Defendant, J.S. Luiz, was recently added to this case as a Third-Party Defendant.
2. On November 23, 2005, J.S. Luiz’s new counsel filed a Motion to Dismiss the Third-Party Complaint filed against J.S. Luiz by Artek.
3. On December 8, 2005, Artek filed its Opposition to J.S. Luiz’s Motion to Dismiss the Third-Party Complaint.

4. As a result of J.S. Luiz's recent addition to this case and the Motion to Dismiss that has been filed on its behalf, discovery has unexpectedly continued in this matter and additional documentation needs to be reviewed which may pertain to the parties' dispositive motions.

5. Although the parties had previously requested a thirty (30) day extension to review the additional documentation pertinent to the parties' dispositive motions, such time has been insufficient.

6. Accordingly, WIIC, Artek and J.S. Luiz jointly move this Court to extend the summary judgment deadlines from January 9, 2006 to January 23, 2006, extend the deadline for filing all pre-trial motions from January 16, 2006 to January 30, 2006, and continue the Pre-Trial Conference to a date following the disposition of all outstanding motions, or otherwise set forth by the Court.

7. The requested extension is limited in time and does not prejudice any party.

8. J. S. Luiz notes that, if its Motion to Dismiss is denied, it will require time to do discovery on the new claim for damages against it.

WHEREFORE, Washington International Company, Artek Builders, Inc., and J.S. Luiz, 3<sup>rd</sup>, respectfully request that this Court grant their Motion seeking an extension of the current Scheduling Order for Motions for Summary Judgment, all pre-trial motions and the Pre-Trial Conference, making Motions for Summary Judgment due on January 23, 2006, all pre-trial motions to be served and filed no later than January 30, 2006, and continue the Pre-Trial Conference for a date following the Court's ruling on all outstanding motions in this case, or otherwise set forth by the Court.

Respectfully Submitted,

**Washington International Insurance Company,**  
By its attorneys,

/s/ Paula-Lee Chambers

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Assented to:

**Artek Builders, Inc.,**  
By its attorney,

/s/ Gerald E. Johnson

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Assented to:

**J.S. Luiz, 3<sup>rd</sup>, Inc.**  
By its attorney,

/s/ Michael Franco

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**Date: January 6, 2006**